

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
v.	)	Criminal No. 16-CR-30044-MGM
)	
1) ALBERTO MARTE,)	
2) MARCOS PENA,	)	21 U.S.C. § 846 – Conspiracy to Distribute
3) JIOVANNI RODRIGUEZ,	)	and Possess with Intent to Distribute Heroin
4) JOSE MIGUEL RAMOS,	)	(Count One)
5) JULIEN DECLET,)	
6) PABLO ROSARIO,	)	21 U.S.C. § 841 – Distribution and
7) WILLIAM BRANTLEY,	)	Possession with Intent to Distribute Heroin
8) JUAN PEREZ,	)	(Counts Two through Seven)
9) ANTHONY PATINO,)	
10) MIRELVY VASQUEZ,	)	18 U.S.C. § 2 - Aiding and Abetting
11) DIOLFI ANTONIO MARTE-	)	(Counts Two and Three)
VASQUEZ,)	
13) CARLOS RIVERA	)	21 U.S.C. § 846 – Conspiracy to Distribute
a/k/a “CARLOS SIERRA,”	)	and Possess with Intent to Distribute
14) EDUARDO FERNANDEZ a/k/a	)	Fentanyl (Count Eight)
“JOSE NARCISO ROSARIO,”)	
15) RICHARD ROSARIO,	)	18 U.S.C. § 924 (c) – Possession of a
16) LINDA TAVAREZ,	)	Firearm in Furtherance of Drug Trafficking
17) MARVIN ORTEGA,	)	(Count Nine)
18) FRANCISCO SANDOVAL, and)	
19) ORLANDO LEON	)	21 U.S.C. § 853 – Drug Forfeiture
Defendants.	)	Allegation
)	
	)	18 U.S.C. § 924 (d) and 28 U.S.C. § 2461
	)	(c) – Firearm Forfeiture Allegation

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: Title 21, United States Code, Section 846 - Conspiracy to Distribute and Possess with Intent to Distribute Heroin.

1. From a time unknown to the Grand Jury, but from at least on or about December 1, 2015, and continuing thereafter until on or about September 22, 2016, in Hampden County, in the District of Massachusetts,

- 1) ALBERTO MARTE,
- 2) MARCOS PENA,
- 3) JIOVANNI RODRIGUEZ,
- 4) JOSE MIGUEL RAMOS,
- 5) JULIEN DECLET,
- 6) PABLO ROSARIO,
- 7) WILLIAM BRANTLEY,
- 8) JUAN PEREZ,
- 9) ANTHONY PATINO,
- 10) MIRELVY VASQUEZ,
- 11) DIOLFI ANTONIO MARTE-VASQUEZ,
- 13) CARLOS RIVERA a/k/a "CARLOS SIERRA,"
- 14) EDUARDO FERNANDEZ a/k/a "JOSE NARCISO ROSARIO,"
- 15) RICHARD ROSARIO,
- 16) LINDA TAVAREZ, and
- 17) MARVIN ORTEGA,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree together and with each other, and with others unknown to the Grand Jury to commit an offense against the United States, namely, to distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. It is further alleged that the offense described in Count One of this Superseding Indictment involved one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21 U.S.C. Section 841(b)(1)(A)(i) applies to this offense.

3. It is further alleged that one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, was reasonably foreseeable by, and is attributable to defendants

- 1) ALBERTO MARTE,
- 4) JOSE MIGUEL RAMOS,
- 6) PABLO ROSARIO,
- 7) WILLIAM BRANTLEY,
- 8) JUAN PEREZ,

- 9) ANTHONY PATINO,
- 13) CARLOS RIVERA a/k/a "CARLOS SIERRA,"
- 14) EDUARDO FERNANDEZ a/k/a "JOSE NARCISO ROSARIO,"
- 15) RICHARD ROSARIO, and
- 16) LINDA TAVAREZ.

Accordingly, Title 21, United States Code, Section 841(b)(1)(A)(i) is applicable to these ten defendants in this count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: Title 21, United States Code, Section 841 - Distribution and Possession with Intent to Distribute Heroin; and Title 18, United States Code, Section 2 – Aiding and Abetting.

1. On or about February 10, 2016, in Hampden County, in the District of Massachusetts,

- 1) ALBERTO MARTE and
- 2) MARCOS PENA,

the defendants herein, did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

2. It is further alleged that the offense described in Count Two of this Superseding Indictment involved one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) applies to this count.

3. It is further alleged that one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, was reasonably foreseeable by, and is attributable to, defendants

- 1) ALBERTO MARTE and
- 2) MARCOS PENA.

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) is applicable to these two defendants in this count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: Title 21, United States Code, Section 841 - Distribution and Possession with Intent to Distribute Heroin; and Title 18, United States Code, Section 2 – Aiding and Abetting.

1. On or about February 24, 2016, in Hampden County, in the District of Massachusetts,

- 1) ALBERTO MARTE and
- 2) MARCOS PENA,

the defendants herein, did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

2. It is further alleged that the offense described in Count Three of this Superseding Indictment involved one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) applies to this count.

3. It is further alleged that one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, was reasonably foreseeable by, and is attributable to, defendants

- 1) ALBERTO MARTE and
- 2) MARCOS PENA.

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) is applicable to these two defendants in this count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: Title 21, United States Code, Section 841 - Distribution and Possession with Intent to Distribute Heroin.

1. On or about May 17, 2016, in Hampden County, in the District of Massachusetts,

1) ALBERTO MARTE,

the defendant herein, did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

2. It is further alleged that the offense described in Count Four of this Superseding Indictment involved one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) applies to this count.

3. It is further alleged that one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, was reasonably foreseeable by, and is attributable to, defendant

1) ALBERTO MARTE.

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) is applicable to this defendant in this count.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE: Title 21, United States Code, Section 841 - Distribution and Possession with Intent to Distribute Heroin.

1. On or about June 28, 2016, in Hampden County, in the District of Massachusetts,

1) ALBERTO MARTE,

the defendant herein, did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

2. It is further alleged that the offense described in Count Five of this Superseding Indictment involved one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) applies to this count.

3. It is further alleged that one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, was reasonably foreseeable by, and is attributable to, defendant

1) ALBERTO MARTE.

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) is applicable to this defendant in this count.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX: Title 21, United States Code, Section 841 - Distribution and Possession with Intent to Distribute Heroin.

1. On or about August 11, 2016, in Hampden County, in the District of Massachusetts,

1) ALBERTO MARTE,

the defendant herein, did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

2. It is further alleged that the offense described in Count Six of this Superseding Indictment involved one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) applies to this count.

3. It is further alleged that one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, was reasonably foreseeable by, and is attributable to, defendant

1) ALBERTO MARTE.

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(i) is applicable to this defendant in this count.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN: Title 21, United States Code, Section 841 - Distribution and Possession with Intent to Distribute Heroin.

1. On or about September 20, 2016, in Hampden County, in the District of Massachusetts,

1) ALBERTO MARTE,

the defendant herein, did knowingly and intentionally distribute and possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT: Title 21, United States Code, Section 846 - Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl.

1. From a time unknown to the Grand Jury, but from at least on or about July 12, 2016, and continuing thereafter until on or about July 13, 2016, in Hampden County, in the District of Massachusetts,

1) ALBERTO MARTE,
18) FRANCISCO SANDOVAL, and
19) ORLANDO LEON,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree together and with each other, and with others unknown to the Grand Jury to commit an offense against the United States, namely, to distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule I narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT NINE: Title 18, United States Code, Section 924(c) - Possession of a firearm in furtherance of drug trafficking.

1. On or about September 22, 2016, in Hampden County, in the District of Massachusetts,

1) ALBERTO MARTE,

the defendant herein, in furtherance of a drug trafficking crime, to wit : conspiracy to distribute and possess with intent to distribute heroin, in violation of Title 21, United States Code, Section 846, as charged in Count One of this Superseding Indictment, did knowingly possess a firearm to wit: one Smith & Wesson 99 .40 caliber handgun, bearing serial number SAF8126; one Smith & Wesson .38 Special Revolver, bearing serial number CXP9606, and; one Mossberg 12-gauge shotgun, bearing serial number AT132340.

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

DRUG FORFEITURE ALLEGATION
(Title 21, United States Code, Section 853)

The Grand Jury further finds probable cause to believe that:

1. Upon conviction of the offense in violation of Title 21, United State Code,

Sections 841 and/or 846, set forth in Counts One through Eight of this Superseding Indictment,

- 1) ALBERTO MARTE,
- 2) MARCOS PENA,
- 3) JIOVANNI RODRIGUEZ,
- 4) JOSE MIGUEL RAMOS,
- 5) JULIEN DECLET,
- 6) PABLO ROSARIO,
- 7) WILLIAM BRANTLEY,
- 8) JUAN PEREZ,
- 9) ANTHONY PATINO,
- 10) MIRELVY VASQUEZ,
- 11) DIOLFI ANTONIO MARTE-VASQUEZ,
- 13) CARLOS RIVERA a/k/a "CARLOS SIERRA,"
- 14) EDUARDO FERNANDEZ a/k/a "JOSE NARCISO ROSARIO,"
- 15) RICHARD ROSARIO,
- 16) LINDA TAVAREZ,
- 17) MARVIN ORTEGA,
- 18) FRANCISCO SANDOVAL, and
- 19) ORLANDO LEON,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to the following:

- a) \$23,790 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;
- b) \$52,232 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;
- c) \$6,990 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;

- d) \$537 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;
- e) \$3,489 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;
- f) \$2,400 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;
- g) \$4,080 in United States currency, seized in Springfield, Massachusetts on September 22, 2016;
- h) one white 2015 Toyota Tundra, bearing vehicle identification number 5TFAV5F18FX418686, seized in Springfield, Massachusetts;
- i) one gray 2009 Nissan Rogue, bearing vehicle identification number JN8AS58V99W188561, seized in Springfield, Massachusetts;
- j) one gray 2008 Volkswagen Touareg, bearing vehicle identification number WVGBE77L48D061032, seized in Springfield, Massachusetts;
- k) one brown 2011 GMC Acadia, bearing vehicle identification number 1GKKVPED3BJ174175, seized in Springfield, Massachusetts;
- l) one white 2014 Honda Accord EX-L, bearing vehicle identification number 1HGCR2F80EA011790;
- m) one gray 2008 Honda Accord EX-L, bearing vehicle identification number 1HGCP368X8A016026;
- n) one 2003 Honda Odyssey EX-L, bearing vehicle identification number 5FNRL18963B081793;
- o) one orange 2016 KTM 500 EXC motorcycle, bearing vehicle identification number VBKEXP40XGM402484;
- p) one gray/black 2012 Lowe Ind FM165 fishing boat with 2013 Karavan trailer, bearing hull number LWC05362B212;
- q) one Smith & Wesson 99 .40 caliber handgun, bearing serial number SAF8126;
- r) one Smith & Wesson .38 Special Revolver, bearing serial number CXP9606;
- s) one Mossberg 12-gauge shotgun, bearing serial number AT132340;
- t) the real property located at 75 Tyler Street, Springfield, Massachusetts, including all buildings, improvements and appurtenances thereon, more

particularly described in a quitclaim deed recorded at the Hampden County Registry of Deeds, Book 19480, Page 134; and

- u) the real property located at 97-99 Massachusetts Avenue, Springfield, Massachusetts, including all buildings, improvements and appurtenances thereon, more particularly described in a fiduciary deed recorded at the Hampden County Registry of Deeds, Book 20449, Page 74.

2. If any of the property described in Paragraph 1, above, as being forfeitable

pursuant to Title 21, United States Code, Section 853, as a result of any act or omission of the defendants,

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in Paragraph 1.

All pursuant to Title 21, United States Code, Section 853.

FIREARM AND AMMUNITION FORFEITURE ALLEGATION

(18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c))

The Grand Jury further finds probable cause to believe that:

1. Upon conviction of the offense in violation of Title 18, United States Code,

Section 924, set forth in Count Nine of this Superseding Indictment,

1) ALBERTO MARTE,

defendant herein, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c), any firearm or ammunition involved in or used in any knowing commission of the offense. The property to be forfeited includes, but is not limited to, the following:

- a) one Smith & Wesson 99 .40 caliber handgun, bearing serial number SAF8126;
- b) one Smith & Wesson .38 Special Revolver, bearing serial number CXP9606; and
- c) one Mossberg 12-gauge shotgun, bearing serial number AT132340.

2. If any of the property described in Paragraph 1, above, as being forfeitable

pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated in Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1.

All pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

Jacqueline Law
Foreperson of the Grand Jury

NLD
Neil L. Desroches
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS:

Returned into the District Court by the Grand Jurors and filed on
September 14, 2017.

Melissa H. Caldero
Deputy Clerk of Court